

EXHIBIT D

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK-CIVIL TERM-PART 23

-----X
FRANCIS J. HARVEY, JR. AND JEAN WILHELM,

Plaintiffs

Index No. 109415-2007

-against-

Justice: Hon. Richard Braun

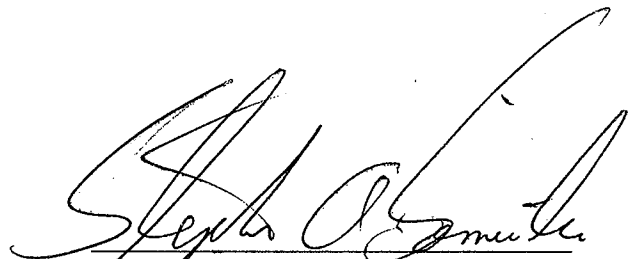
320 OWNERS CORPORATION and
CHARLES LOWERY, in his capacity as President,

Defendants
-----X

NOTICE OF VOLUNTARY DISCONTINUANCE

PLEASE TAKE NOTICE, that the Plaintiffs herein, FRANCIS J. HARVEY, JR. and
JEAN WILHELM, through their counsel, pursuant to CPLR § 3217(1), hereby voluntary
discontinue this action, without prejudice.

Dated: Brooklyn, New York
July 23, 2007



STEPHEN A. SOMERSTEIN
Attorney for Plaintiffs
Francis J. Harvey, Jr. and
Jean Wilhelm
292 Garfield Place
Brooklyn, NY 11215
(718)369-2273